

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #4	CCRB Case #: 201705154	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/18/2017 7:38 PM	Location of Incident: Rogers Avenue and Martense Street and inside the 67th Precinct Stationhouse	Precinct: 67	18 Mo. SOL 12/18/2018	EO SOL 12/18/2018	
Date/Time CV Reported Mon, 06/19/2017 1:33 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/26/2017 10:58 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Ortega	02674	956991	067 PCT
2. POM Fabian Modesto	08846	950897	067 PCT
3. POM Blaise Christoforatos	22736	962317	067 PCT
4. DTS Cassidy Tibbets	987	951334	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Jasmine Sweat	20021	962825	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Fabian Modesto	Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto used physical force against § 87(2)(b)	
B.POM Blaise Christoforatos	Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Blaise Christoforatos used physical force against § 87(2)(b)	
C.POM Fabian Modesto	Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto used physical force against § 87(2)(b)	
D.POM Richard Ortega	Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Richard Ortega used physical force against § 87(2)(b)	
E.DTS Cassidy Tibbets	Abuse: At Rogers Avenue and Martense Street in Brooklyn, Detective Cassidy Tibbets threatened § 87(2)(b) and individuals with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
F.POM Fabian Modesto	Discourtesy: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto spoke discourteously to individuals.	
G.POM Richard Ortega	Abuse: Inside the 67th Precinct stationhouse, Police Officer Richard Ortega refused to provide his name and shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with IAB via phone on June 19, 2017, on behalf of himself and his son, § 87(2)(b). The complaint was received at the CCRB on June 26, 2017.

On June 19, 2017, at approximately 7:38 p.m., § 87(2)(b)'s friend, § 87(2)(b) was involved in a physical fight with an unidentified female at Rogers Avenue and Martense Street in Brooklyn. § 87(2)(b) and his other friends, § 87(2)(b) and § 87(2)(b) observed and intervened in the fight along with approximately 30 other unidentified civilians. PO Richard Ortega, PO Fabian Modesto, PO Blaise Christoforatos, Det. Cassidy Tibbets, and PO Jasmine Sweat of the 67th Precinct responded to the scene. PO Modesto approached § 87(2)(b) told him to leave the scene, and pushed him, causing him to fall on his arms and back on the street (**Allegation A**). § 87(2)(b) stood up from the ground, and PO Modesto and PO Ortega grabbed his arms to place him in handcuffs. PO Christoforatos allegedly punched § 87(2)(b) in the right side of his ribs and pushed him to the ground (**Allegation B**). PO Ortega and PO Modesto placed § 87(2)(b) in handcuffs. PO Ortega and PO Modesto then pushed § 87(2)(b) against a parked civilian vehicle, pushed his head against a marked police vehicle, and lifted his handcuffed arms in the air, causing pain to his shoulders and arms (**Allegation C and D**). A crowd of approximately 20 people, including § 87(2)(b) and § 87(2)(b) formed at the scene of the arrest, and Det. Tibbets pointed his taser at them and said, "Get back on the sidewalk or you will be tased" (**Allegation E**). PO Modesto said, "Get the fuck back," to the crowd of people (**Allegation F**). § 87(2)(b) was arrested for § 87(2)(b).

PO Modesto and PO Ortega transported § 87(2)(b) back to the 67th Precinct stationhouse. § 87(2)(b)'s father, also named § 87(2)(b) arrived at the station and requested PO Ortega's name and shield number. PO Ortega allegedly ignored § 87(2)(b)'s request (**Allegation G**).

There is video footage of the incident which was recorded by unidentified civilian bystanders during the incident, and the videos were provided to the CCRB by § 87(2)(b) and § 87(2)(b). The videos are embedded below and show two different parts of the incident beginning after PO Modesto pushed § 87(2)(b). The first video begins when the officers were on the ground with § 87(2)(b) and the original file is located in IA 44 (BR 20). The snag-it version of the video is embedded below (See file 2017-09-19_14-23-06) and located in IA 139 (BR 10). The second video begins while PO Modesto and PO Ortega held § 87(2)(b) against their police car. The original video is located in IA 62 and is embedded below (See file 201705154_20170807_1213, BR 11). The video footage does not capture PO Modesto's push or the sequence of events leading up to that push.



2017-09-19_14-23-06.mp4



201705154_20170807_1213_DM.mov

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation § 87(2)(b). On September 19, 2017, a Notice of Claim request was submitted to the Comptroller's Office, and

the result will be added to the case file upon receipt. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

This is the first CCRB complaint involving § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) (BR 09).

PO Modesto has been a member of the NYPD for six years and has been the subject of two prior CCRB complaints involving two allegations, neither of which was substantiated. § 87(2)(b) (See officer history).

Det. Tibbets has been a member of the NYPD for six years and has been the subject of two prior CCRB complaints involving four allegations, none of which were substantiated. § 87(2)(b) (See officer history).

This is PO Ortega and PO Christoforatos' first CCRB complaint (See officer history).

Potential Issues

§ 87(2)(b) was not interviewed despite repeated attempts to contact him. Between June 27, 2017, and June 29, 2017, two calls were placed to § 87(2)(b) and voicemails were left. On June 29, 2017, § 87(2)(b) attempted to contact the CCRB via phone, and left a voicemail. Three additional calls were placed to § 87(2)(b) but he did not answer and made no further attempt to contact the CCRB. Three please call letters were mailed to § 87(2)(b) at the address he reported to IAB. Searches of CTS, DMV, BADS, CLEAR, the COLE Directory and Lexis Nexis failed to produce an additional phone number for § 87(2)(b). Lexis Nexis, CLEAR, and DMV searches revealed two possible additional addresses for § 87(2)(b). Three letters each were sent to those addresses, but those letters were all returned to the CCRB by the US Postal Service.

§ 87(2)(b) and § 87(2)(b) were contacted but refused to cooperate with the investigation. § 87(2)(b) was uncooperative with the investigation and was not interviewed. He provided his contact information to the CCRB during a phone call with § 87(2)(b) for which he was present. Five calls were placed to him; two please call letters were mailed to him; and two please call letters were emailed to him. § 87(2)(b) did not respond to those contact attempts and made no effort to contact the CCRB.

An unidentified female called 911 to report the fight, but the investigation was unable to contact her. Five calls were placed to the phone number listed for that individual in the EVENT, and voicemails were left in each case. There was no other known contact information for her.

There were many other potential witnesses to this incident, but none of the cooperating witnesses in this case could identify them. On June 30, 2017, field work was conducted to the incident location to canvass for witnesses and video footage. No witnesses were found, and the surveillance cameras at the establishments near the incident location did not capture the allegations.

Findings and Recommendations

Allegations not pleaded

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A –Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto used physical force against § 87(2)(b)

It is undisputed that PO Modesto pushed § 87(2)(b) § 87(2)(g) § 87(2)(b)

According to § 87(2)(b) (BR 01), he received a phone call from § 87(2)(b) who told him that she was in a fight at Rogers Avenue and Martense Street. § 87(2)(b) went to the location and saw approximately 30 people, including § 87(2)(b) and § 87(2)(b) standing near the corner. PO Modesto, PO Ortega, Det. Tibbets, PO Christoforatos, and PO Sweat were also on scene. § 87(2)(b) approached his friends and asked what happened.

PO Modesto and PO Ortega drove down Martense Street past § 87(2)(b) § 87(2)(b) loudly said, “Why are they staring at me?” to his friends, and PO Modesto exited his vehicle, approached § 87(2)(b) and said, “See, you’re starting with me.” § 87(2)(b) asked, “How am I starting with you?” PO Modesto immediately pushed him using two hands to make contact with § 87(2)(b) s chest, and § 87(2)(b) fell to the ground on a pile of garbage bags and made contact with the pavement with his arms and back. § 87(2)(b) denied taking any action prior to PO Modesto’s push, and he denied assaulting any officer, swinging at any officer, or pushing any officer.

§ 87(2)(b) sustained abrasions and bruises to his arms and back from falling to the ground, and he provided pictures of those injuries during his interview (BR 13). He did not seek medical treatment at the time of the incident but went to § 87(2)(b) on § 87(2)(b), where he was prescribed with Ibuprofen for pain and released (BR 14).

According to § 87(2)(b) (BR 02), she and § 87(2)(b) were hanging out with approximately 20 to 30 friends, including § 87(2)(b) and § 87(2)(b) when § 87(2)(b) became involved in a physical fight with an unidentified female. § 87(2)(b) also fought the same unidentified female, resulting in a confrontation that lasted five minutes and involved multiple thrown punches. Several of the 20 to 30 civilian bystanders intervened in the fight. After the fight, § 87(2)(b) entered § 87(2)(b) s house while § 87(2)(b) stood outside with § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) came back from § 87(2)(b) s house prior to the push, and she saw witnessed it from across the street. Her description of the push was substantially similar to § 87(2)(b) s.

According to the 911 CD and SPRINT from the incident (BR 12), an anonymous female caller called 911 and reported a large fight involving approximately 50 people at the location.

According to the officers, they arrived on scene in response to the 911 call (BR 03-07). All of the officers were familiar with the location as an area with chronic shootings and stated that two gangs, the § 87(2)(b) and the § 87(2)(b) frequently congregate on the corner and engage in violent crimes such as shootings, burglaries, and assaults. A fixed shooting post had been assigned to that corner for at least the past six years to deter such violent crime.

PO Modesto (BR 03) and PO Ortega (BR 04) arrived on the scene first and observed three to four groups of approximately 10 to 15 teenagers standing on the street and the sidewalk. No one was fighting, but some of the civilians were yelling and using profanity. Det. Tibbets (BR 06), PO Christoforatos (BR 05), and PO Sweat (BR 07) arrived shortly thereafter and made the same observations.

PO Modesto saw § 87(2)(b) standing with his friends and recognized him from prior interactions in the neighborhood. PO Modesto was also aware that § 87(2)(b) had been arrested for possession of a knife approximately two years ago, and PO Modesto had been informed by

field intelligence officers at the 67th Precinct that § 87(2)(b) was wanted for questioning in regards to a shooting that occurred in March or April. Through his car window, PO Modesto asked § 87(2)(b) twice if he knew anything about the fight, and § 87(2)(b) said, “Get the fuck out of here.” PO Modesto exited his vehicle and approached § 87(2)(b) and PO Ortega also exited the vehicle and walked to the opposite side of the street from PO Modesto.

PO Modesto told § 87(2)(b) to leave if he did not want to provide information about the fight. PO Modesto ordered § 87(2)(b) to leave due to the prior fight and the chronic criminal activity at the location, which led PO Modesto to believe that more fights might occur if the people present were not dispersed.

§ 87(2)(b) did not leave and adopted a “fighting stance,” by clenching his fists at waist level and leaning toward PO Modesto. § 87(2)(b) said, “I’m not fucking going.” PO Modesto then pushed § 87(2)(b) because he feared for his safety due to a variety of factors, including his knowledge of § 87(2)(b)’s prior criminal record, § 87(2)(b)’s non-compliant and profane statements, and § 87(2)(b)’s aggressive demeanor.

No other officer was in a position to witness the complete interaction between § 87(2)(b) and PO Modesto. From across the street, PO Ortega observed § 87(2)(b) approach PO Modesto with an aggressive posture consistent with what PO Modesto described, but PO Ortega did not see PO Modesto push § 87(2)(b). Det. Tibbets, PO Christoforatos, and PO Sweat were inside of their vehicle across the street from PO Modesto. Det. Tibbets and PO Sweat saw PO Modesto push § 87(2)(b) but they could not clearly see across the street to determine what § 87(2)(b) did immediately prior to that push. PO Christoforatos did not see the initial interaction between PO Modesto and § 87(2)(b).

The video footage only shows the incident after PO Modesto pushed § 87(2)(b).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. The reasonableness of force should be based on several factors, including the (1) nature and severity of the crime/circumstances, (2) actions taken by the subject, (3) duration of the action, (4) immediacy of the perceived threat, (5) whether the subject is resisting, (6) whether the subject is fleeing, (7) the number of subjects in comparison to the number of MOS, (8) the subject’s violent history, (9) the presence of a hostile crowd, and (10) whether the subject is under the influence of a substance that would affect pain tolerance. Patrol Guide Procedure 221-01 (BR 15).

§ 87(2)(g)

Allegation B – Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Blaise Christoforatos used physical force against § 87(2)(b)

Allegation C – Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto used physical force against § 87(2)(b)

Allegation D – Force: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Richard Ortega used physical force against § 87(2)(b)

According to § 87(2)(b) he lifted himself off the ground, and PO Modesto and PO Ortega grabbed his arms to place him in handcuffs. § 87(2)(b) stated that he did not take any other action besides lifting himself off the ground, and he denied resisting the officers in any way.

Approximately 20 bystanders approached the officers, and they repeatedly asked the officers why § 87(2)(b) was being arrested.

PO Christoforatos approached the scene, and § 87(2)(b) saw PO Christoforatos form a clenched fist while moving his fist toward § 87(2)(b)'s body. § 87(2)(b) did not see whether PO Christoforatos actually punched him, but he felt pain to his right side shortly after PO Christoforatos approached. PO Sweat and Det. Tibbets also approached the scene at that time, but they focused on conducting crowd control duties.

PO Modesto and PO Ortega walked with § 87(2)(b) in handcuffs to their police car, which was parked in the street. PO Modesto placed his hand against the side of § 87(2)(b)'s head and held his head firmly against the side of the car while instructing § 87(2)(b) to stop resisting arrest. § 87(2)(b) acknowledged that he repeatedly said, “Why y’all doing this?” and “Y’all pussy,” to the officers, but he denied resisting the officers during the incident and denied threatening to spit on any officer. As the officers walked with § 87(2)(b) to a different transport vehicle, they lifted his handcuffed arms up toward his head, causing pain to § 87(2)(b)'s shoulders and arms. § 87(2)(b) denied that he resisted the officers in any way at that time.

According to § 87(2)(b) § 87(2)(b) pulled his arms away from the officers as they tried to arrest him. § 87(2)(b) only saw PO Christoforatos grab § 87(2)(b)'s wrist when PO Christoforatos restrained him.

The officers and § 87(2)(b) fell to the ground. § 87(2)(b) believed that they did so because PO Christoforatos and PO Modesto pulled § 87(2)(b) to the ground. § 87(2)(b) did not allege that the officers forcibly brought him to the ground, and he did not testify that he fell to the ground for a second time after being pushed. The officers lifted § 87(2)(b) from the ground, but they had still not succeeded in handcuffing him. § 87(2)(b) alleged that PO Modesto then pushed § 87(2)(b) against a parked civilian vehicle, causing his head to strike the car, after which the officers handcuffed him. § 87(2)(b) did not make that allegation.

According to PO Modesto, he grabbed § 87(2)(b)'s arms as he stood up while § 87(2)(b) pulled his arms away and moved his arms and body back and forth. § 87(2)(b) also swung a closed fist toward PO Modesto but appeared to rethink his decision to swing and brought his fist in to his chest prior to striking PO Modesto. PO Modesto considered § 87(2)(b) to be guilty of assaulting a police officer due to his swing.

PO Ortega and PO Christoforatos approached the scene and grabbed § 87(2)(b)'s arms while § 87(2)(b) continued to resist. Det. Tibbets and PO Sweat observed § 87(2)(b)'s resistance as described but then turned their attention to the crowd and did not clearly see the ensuing struggle.

According to PO Modesto, PO Ortega, and PO Christoforatos, they fell to the ground with § 87(2)(b) as an unintentional result of the struggle, and they denied that any officer intentionally brought him to the ground. PO Christoforatos and the other officers denied that PO Christoforatos punched § 87(2)(b). PO Christoforatos prepared a TRI report (BR 17) for the incident in which he checked the box indicating that he executed a “forcible takedown” on § 87(2)(b).

§ 87(2)(b) PO Christoforatos checked that box only to indicate that § 87(2)(b) fell to the ground and maintained that he did not intentionally bring § 87(2)(b) to the ground.

§ 87(2)(b) continued to resist them on the ground in the same way previously described. PO Modesto and PO Ortega acknowledged that they lifted § 87(2)(b) off the ground and pushed him against a parked vehicle in order to overcome his resistance. PO Christoforatos turned his back to the arrest at that time to conduct crowd control duties.

§ 87(2)(b) continued to resist them while in handcuffs by moving his body back and forth. A crowd of approximately 20 people gathered around them at that time, refused orders to step back, and yelled while using profanity. PO Modesto also stated that § 87(2)(b) threatened to spit on the officers though this was not corroborated by other officers. Due to his resistance and threat to spit, PO Modesto pushed § 87(2)(b)'s head against the car, and PO Ortega also pushed § 87(2)(b)'s body against the car to control him. PO Modesto and PO Ortega also acknowledged that they lifted § 87(2)(b)'s arms in the air while bringing him to the transport vehicle in order to control the direction of his movement given his continuous resistance.

The first video clip (See embedded video file 2017-09-19_14-23-06) shows PO Modesto, PO Ortega, and PO Christoforatos on the ground with § 87(2)(b) <00:00-00:09>. PO Ortega and PO Modesto appear to have difficulty pulling § 87(2)(b)'s arms behind his back on the ground, and the officers lift him up and push him against a nearby parked car in order to do so <00:09-00:19>. § 87(2)(b) resists the officers' efforts to escort him to their police vehicle by stopping his forward momentum and moving his arms and body back and forth <00:19-00:24>. The officers instruct § 87(2)(b) to enter their vehicle, and it shows § 87(2)(b) immediately pull away from the officers to avoid entering the car <00:25-00:29>. PO Modesto immediately pushes § 87(2)(b) against the police car and holds his head against the car after § 87(2)(b) pulls away from the officers <00:28-00:30>. Several civilians approach the arrest, speak with raised voices, and refuse the officers' orders to step out of the street away from the arrest.

The second video clip (See embedded file 201705154_20170807_1213_DM) shows PO Modesto and PO Ortega hold § 87(2)(b) against the car while he moves his body back and forth <00:00-00:33>. Several civilians are standing in the street near the arrest, speak with raised voices, and use profanity toward the officers. Det. Tibbets, PO Christoforatos, and PO Sweat issue orders for the crowd to step back, and many of the civilians refuse to comply with those orders <00:00-00:34>. PO Ortega and PO Modesto walk with § 87(2)(b) toward a transport vehicle while raising § 87(2)(b)'s arms in the air <00:50-01:02>. § 87(2)(b) appears to move in different directions and halt his forward momentum while the officers take that action <00:50-01:02>.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. The reasonableness of force should be based on several factors, including the (1) nature and severity of the crime/circumstances, (2) actions taken by the subject, (3) duration of the action, (4) immediacy of the perceived threat, (5) whether the subject is resisting, (6) whether the subject is fleeing, (7) the number of subjects in comparison to the number of MOS, (8) the subject's violent history, (9) the presence of a hostile crowd, and (10) whether the subject is under the influence of a substance that would affect pain tolerance. Patrol Guide Procedure 221-01 (BR 15).

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Abuse of Authority: At Rogers Avenue and Martense Street in Brooklyn, Detective Cassidy Tibbets threatened § 87(2)(b) and individuals with the use of force.

§ 87(2)(b) stated that she, § 87(2)(b) and § 87(2)(b) moved with the crowd toward § 87(2)(b) and repeatedly told the officers to get away from him. Det. Tibbets stepped between them and § 87(2)(b) and § 87(2)(b) and her friends repeatedly asked why § 87(2)(b) was being arrested. Det. Tibbets told the civilians to back up, but § 87(2)(b) and § 87(2)(b) did not move and continued to question Det. Tibbets about § 87(2)(b)'s arrest. § 87(2)(b) spoke loudly and gestured with her arms while speaking. Det. Tibbets removed his taser from its holster, pointed it at § 87(2)(b) and her friends, and told them to step back. § 87(2)(b) and her friends did so immediately.

Det. Tibbets stated that a crowd of approximately 15 people moved toward him onto the street as he stood between the civilians and § 87(2)(b)'s arrest. Det. Tibbets issued multiple commands for the civilians to step back. Some of the members of the crowd complied, others moved back initially and then moved into the street again, and some of the civilians continued to advance toward him while using profanity, yelling, and pointing with their hands. Det. Tibbets had difficulty recalling specific details of the incident, such as the exact number of civilians who advanced toward him, due to the erratic nature of the crowd, but Det. Tibbets believed that approximately three or four people continued to advance towards him. Det. Tibbets stated that he removed his taser from its holster after his commands were ineffective, pointed his taser toward the advancing crowd, and said, "Get back, get back on the sidewalk or you will be tased." Det. Tibbets issued that threat in order to obtain voluntary compliance with his orders due to the aggressive and non-compliant nature of the group.

PO Sweat was the only other officer conducting crowd control duties at the time of § 87(2)(b)'s arrest, and she stood on the other side of the crowd from Det. Tibbets. PO Sweat stated that Det. Tibbets appeared to be dealing with approximately 20 members of the crowd at that time, and she stated that the crowd advanced within two feet of § 87(2)(b)'s arrest while yelling and using profanity at the time that Det. Tibbets pointed his taser.

The other officers did not see Det. Tibbets point his taser at any civilian or threaten to use his taser.

The video footage does not show Det. Tibbets point or threaten to use his taser. As previously noted, both video clips show several civilians advance toward § 87(2)(b)'s arrest on the street, speak with raised voices, use profanity, and refuse commands to step back onto the

sidewalk. Both video clips show Det. Tibbets issue numerous commands to members of the crowd to get off the street without success.

Officers may use a taser against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons (BR 16). Officers may also issue verbal warnings in conjunction with pointing a taser at a subject in order to gain voluntary compliance and prevent the need to use force. Patrol Guide Procedure 221-08 (BR 16).

§ 87(2)(g)

Allegation F – Discourtesy: At Rogers Avenue and Martense Street in Brooklyn, Police Officer Fabian Modesto spoke discourteously to individuals.

§ 87(2)(b) initially did not recall whether or not PO Modesto used profanity during the incident. § 87(2)(b) reviewed the first video clip of the incident, and it refreshed her recollection of the fact that PO Modesto said, “Back the fuck up,” to a female civilian who approached PO Modesto and PO Ortega while they held § 87(2)(b) against their police car. § 87(2)(b) did not know the name of the female in question.

The first video clip shows that the unidentified female refuses Det. Tibbets’ orders to step back and moves past him toward PO Modesto and PO Ortega <01:01-01:13>. The video shows that PO Modesto turns around as the unidentified female approaches and says, “Back the fuck up.”

PO Modesto acknowledged that he made that comment. PO Modesto stated that he issued that command to the entire crowd and not to one person in particular. PO Modesto used profanity because the officers’ prior commands for people to get back were not effective, and he wanted to obtain the crowd’s compliance.

Officers should be courteous and respectful in their interactions with the public. Patrol Guide Procedure 203-09 (BR 18).

§ 87(2)(g)

Allegation G – Abuse of Authority: Inside the 67th Precinct stationhouse, Police Officer Richard Ortega refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b)'s father, § 87(2)(b) filed this complaint with IAB (BR 19), and told IAB that he requested PO Ortega's name and shield number inside the 67th Precinct stationhouse and that PO Ortega ignored his request. As noted above, § 87(2)(b) was not available to the investigation and was not interviewed.

§ 87(2)(g)

_____.
_____.

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date